



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

January 26, 2007

Catherine Duvall, Treasurer  
Sierra Club Political Committee  
85 Second Street, 2nd Flr.  
San Francisco, CA 94105

**Response Due Date:**  
**February 26, 2007**

Identification Number: C00135368

Reference: Amended 12 Day Pre-General Report (10/1/06-10/18/06), received  
11/3/06

Dear Ms. Duvall:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule E of your report indicates that your committee may have failed to timely file one or more of the required 48 hour notices for independent expenditures (see attached). A political committee must file a 48 hour report with the Federal Election Commission as specified in 11 CFR §104.4(b), within 48 hours of any independent expenditures aggregating \$10,000 or more with respect to a given election, made any time during the calendar year up to and including the 20<sup>th</sup> day before an election. The notice must be received by the Commission by 11:59 p.m. on the second day following the date on which independent expenditures that aggregate \$10,000 or more are publicly distributed or disseminated. These expenditures must then be fully itemized on Schedule E, or as memo entries on Schedule E and reflected on Schedule D if distributed or disseminated prior to payment, of the next report required to be filed by the committee. Although the Commission may take further action concerning this matter, your prompt response will be taken into consideration. 11 CFR §104.3(b)

-Your committee has filed a 48 hour notice for an independent expenditure opposing Richard Pombo and supporting Phil Kellam (see attached) which has not been itemized on Schedule E supporting Line 24 of the Detailed Summary Page. Please be advised that independent

expenditures disclosed on 48 hour notices must also be itemized on a corresponding Schedule E or MEMO Schedule E and Schedule D (if applicable), in the appropriate reporting period. Further, if the actual payment(s) for the independent expenditure(s) occurs after the date of dissemination, the appropriate report(s) should continue to show payment on Schedule E and Schedule D, until the debt is fully extinguished. Please amend your report and any subsequent reports that may be affected by this correction.

-Your committee filed a 48 hour notice(s) informing the Commission of independent expenditures made in support or opposition of federal candidates with "Mykell Bybee," "Wendee L. Crofoot," "Catherine Duvall," "Greenberg Quinlan Rosner Research," "Rich Kotchmar," "Malchow, Schlackman, Hoppey & Cooper Inc.," "Joanne Tait," "Glen Besa," "GRS Consulting, LLC," "Joshua Low," "Eric Antebi," "Vicky Hoover," and "Loma Prieta Sierra Club" as the payee(s). However, the amounts and dates of public dissemination disclosed on the notice(s) do not appear to correlate with the entries disclosed on Schedule E, supporting Line 24 for the reporting period. If your committee has filed a 48 hour notice(s) for independent expenditures that are not reflected on your report(s), you must file Schedule E during the appropriate reporting period(s) to disclose the payments. Please amend your report to clarify this discrepancy and provide clarifying information.

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694- 1152.

Sincerely,



Rosa G. Lewis

Campaign Finance Analyst  
Reports Analysis Division

**Late 48 Hour Notice**

Name of Payee	Date	Amount	48-hour notice	Candidate
Sierra Club	10/13/06	\$2,891.91	10/19/06	Richard Pombo

**48 Hour Notice Filed but Missing Schedule E**

Name of Payee	Date	Amount	48-hour notice	Candidate
Sierra Club	10/11/06	\$231.60	10/13/06	Phil Kellam
Eric Antebi	10/11/06	\$865.70	10/12/06	Richard Pombo
Mykel Bybee	10/18/06	\$882.94	10/19/06	Richard Pombo
Wendee L. Crofoot	10/18/06	\$357.00	10/19/06	Richard Pombo
Malchow Schlackman Hoppey & Cooper Inc.	10/18/06	\$22,701.12	10/19/06	Richard Pombo

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